

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ORIX FINANCIAL SERVICES, INC., f/k/a ORIX
CREDIT ALLIANCE, INC.,

Plaintiff,

v.

Case No. 07-X-50622-DT

J.J TRANSPORTATION, JAMES GOLLOWAY
and WAYNE G. WICKARD,

Defendants.

/

ORDER DISMISSING CASE

Plaintiff Orix Financial Services, Inc., f/k/a Orix Credit Alliance, Inc. ("Orix") initiated this action by filing a "Certification of Judgment for Registration in Another District." Orix has subsequently filed a "Request and Order to Seize Property," numerous documents entitled "Notice of Judgment Lien" and, most recently, an "*Ex Parte* Motion and Brief in Support for Alternate Service of Judgment Liens." These documents relate to a judgment obtained in the United States District Court for the Southern District of New York, and pertain to three separate pieces of real property located in the counties of Van Buren, Kalamazoo and Cheboygan. Van Buren and Kalamazoo counties lie in the Western District of Michigan, see 28 U.S.C. § 102(b), and Cheboygan lies in the Northern Division of the Eastern District of Michigan, see 28 U.S.C. § 102(a)(2).

Because none of the properties at issue are located in the Southern Division of the Eastern District of Michigan, the court issued a January 31, 2008 "Order to Show Cause" in the above-captioned case. In that order, the court directed Orix to "show

cause in writing, on or before February 15, 2008, why this case should not be dismissed for lack of subject matter jurisdiction or transferred under 28 U.S.C. § 1404(a) or Eastern District of Michigan Local Rule 8.10(c)." (1/31/08 Order at 2-3.) On February 15, 2008, Orix filed a response, stating that it "does not dispute that this case should be transferred to either the ND-EDMI or the SD-WDMI, or both." (Pl.'s Resp. at 1.)

Although Orix has no objection to transfer, it appears that venue properly lies in two separate districts. Because it would be improper to transfer this entire case to one district, and not realistic to judicially "divide" a single case into two, the court will simply dismiss this case without prejudice to allow Orix to file its judgments separately in the two appropriate judicial districts and divisions. Accordingly,

IT IS ORDERED that this case is DISMISSED WITHOUT PREJUDICE.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 27, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 27, 2008, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522